

***Metro Public Defender's Office***

***Annual Report***



***Fiscal Year 2004 - 2005***

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## Introduction



Fiscal year 2004-2005 presented the Metropolitan Public Defender's Office with the challenge to continue to expand services while continuing to place great emphasis on the quality of services provided.

We are thankful that the Metro Government has historically given us the resources to respond in an appropriate manner to our increased work. Nashville is indeed fortunate to have a Metro Council and

Mayor who appreciate that our work is arrest-driven and that additional resources placed in the police and prosecution function will result in more work for the Public Defender. This commitment demonstrates a sophisticated and fair approach to criminal justice issues. For the criminal justice system to operate successfully, all segments of the system must be adequately and fairly funded.

The area of the office that gives me the most pride is our employees. As a "service" department, our employees are the key to the office's success. I could not be prouder of the group we have now. They respond with commitment and vigor to each new challenge placed before them. Our non-attorney staff -- social workers, investigators, paralegals, office managers and secretaries -- is of excellent quality. I would like to specifically recognize the outstanding contribution of our secretaries. They have provided many years of service to the Public Defender's Office and they offer an invaluable source of leadership,

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information and stability. The attorney staff is a source of pride not only to the office, but also to the community. We have been fortunate to be able to attract individuals with strong academic backgrounds who have demonstrated their commitment to public service. We continue to have success in our efforts to identify and successfully recruit recent law school graduates. This effort -- actively seeking applicants, conducting many interviews and attending national public interest career fairs -- allows us to hire bright lawyers with diverse backgrounds.

The coming year promises new challenges as this office continues to adjust to growing demands. Our attorneys are working longer hours and handling more cases. We are confident that, with the continued cooperation and support of the Metropolitan Government and the State of Tennessee, the Metropolitan Public Defender's Office will continue to provide a high quality service to the citizens of Davidson County.

Ross Alderman – Metropolitan Public Defender

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## The Office Structure

The Metropolitan Public Defender's Office operates under the authority of the Metropolitan Charter, Title Two, Section 2-16-010, which states as follows:

The public defender shall render legal aid and defend only those indigent defendants who are in jail, charged with the commission of a crime and are unable to make bond, or such other defendants as a court with criminal jurisdiction shall determine to be indigent. In addition, the public defender shall provide guardian ad litem services when such services are deemed required by the Davidson County juvenile court for children who are the subject of proceedings in such court and the metropolitan government would be required by law to pay reasonable compensation for such services if not provided by the public defender.

The Public Defender's Office represents clients in General Sessions Court, Criminal Court, Probate Court, and Juvenile Court, as well as cases appealed to both the Court of Criminal Appeals and the Supreme Court.

The office is divided into two divisions: The Criminal Division, located in the Parkway Towers Building, and the Juvenile Division, housed at the Juvenile Justice Building, 100 Woodland Street.

The Public Defender's Office is staffed with 42 licensed attorneys who represent defendants on charges ranging from public drunkenness to first degree murder. Because of the large number of criminal cases in Davidson County, the judges of the various courts have set a number of different court dockets at which attorneys from this office must appear daily.

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## Public Defender Attorney Staff

<u>Attorney Name</u>	<u>Title</u>	<u>Law School</u>
Ross Alderman	Public Defender	University of Tennessee
Laura Dykes	Deputy Public Defender	Vanderbilt
Jennifer Booth	Asst. Public Defender	Columbia
Mickie Daugherty	Asst. Public Defender	Cumberland
Dawn Deaner	Asst. Public Defender	George Washington Univ.
Jeff DeVasher	Asst. Public Defender	Vanderbilt
Glenn Dukes	Asst. Public Defender	Mercer School of Law
Victoria Eby	Asst. Public Defender	University of Michigan
Mike Engle	Asst. Public Defender	University of Tennessee
Kathy Evans	Asst. Public Defender	Univ. Of North Carolina
Virginia Flack	Asst. Public Defender	Univ. of Calif., Berkley
Willow Fort	Asst. Public Defender	Vanderbilt
Laura Getz	Asst. Public Defender	Southern Methodist Univ.
Jason Gichner	Asst. Public Defender	Vanderbilt
Amy Goodwin	Asst. Public Defender	University of Georgia
Amy Harwell	Asst. Public Defender	University of Tennessee
Joan Lawson	Asst. Public Defender	Vanderbilt
Jonathan Levy	Asst. Public Defender	New York University
Jennifer Lichstein	Asst. Public Defender	University of Tennessee
Jerri Manning	Asst. Public Defender	Nashville School of Law
Jerri Diane Mauldin	Asst. Public Defender	Georgetown Univ.
Suzanne Meiners-Levy	Asst. Public Defender	New York University
Allegra Montgomery	Asst. Public Defender	University of Toledo
Kyle Mothershead	Asst. Public Defender	Vanderbilt
Anne Marie Moyes	Asst. Public Defender	Vanderbilt
Graham Prichard	Asst. Public Defender	Washington University
Rob Robinson	Asst. Public Defender	University of Kentucky
Matthew Robnett	Asst. Public Defender	Tulane
Sharon Ruiz	Asst. Public Defender	Stanford
Holly Ruskin	Asst. Public Defender	DePaul University

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<u>Attorney Name</u>	<u>Title</u>	<u>Law School</u>
Katherine Stone	Asst. Public Defender	University of Tennessee
Fikisha Swader	Asst. Public Defender	Tulane
Gary Tamkin	Asst. Public Defender	Vanderbilt
Emma Tennent	Asst. Public Defender	Vanderbilt
Richard Tennent	Asst. Public Defender	Vanderbilt
Clark Thornton	Asst. Public Defender	Vanderbilt
Karen Weiss	Asst. Public Defender	University of San Diego
John Wiethe	Asst. Public Defender	Nashville School of Law
Jonathan Wing	Asst. Public Defender	University of Pennsylvania
Tyler Yarbrow	Asst. Public Defender	University of Virginia

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## The Criminal Division

The General Sessions Court currently holds five Criminal Bond Dockets daily for defendants who have posted bond and a daily Jail and Review Docket for defendants who are in custody. The Davidson County Criminal Court has six divisions. The Criminal Courts also meet daily.

Public Defender representation in Criminal Court and the General Sessions Jail Docket is by court appointment. That is, clients are appointed a Public Defender after being screened for income eligibility by the judges of these courts. General Sessions Bond Docket clients obtain Public Defender services by making application for Public Defender services within the Public Defender's Office. Intake personnel in the Public Defender's Office screen applicants for eligibility by following income guidelines established in the Federal Poverty Guidelines. The Court must give final approval on clients who are screened by Public Defender personnel.

The representation of Public Defender clients will involve a client interview, case investigation, research and court appearances. To assist with the handling of the cases, the office has a support staff that includes criminal investigators, social workers, legal secretaries, paralegals, clerks and office and program managers.

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## Juvenile Division

The Juvenile Division of the Public Defender's Office represents children in Juvenile Court. To date, the clients have ranged in age from five to nineteen years of age. The children/clients come from indigent families or are in state custody. A common profile of a client is a child living with a mother and several siblings, failing in school, in special education classes, functionally illiterate, exposed to drugs and violence and at times carrying a weapon for protection or self-esteem. The clients may be charged with offenses ranging from curfew violations to homicide.

Juvenile Court holds many different dockets on which the Public Defender's Office attorneys must appear. Appearance, settlement and motion dockets are routinely held along with detention hearings. Trials and transfer hearings are individually scheduled by the attorneys. The number of cases in which the Public Defender's Office Juvenile Division has provided representation has fluctuated over the past several years due to court docketing patterns.

The Public Defender's Office Juvenile Division is located in the Juvenile Justice Center and is readily available to the Court, the clients in detention and the District Attorneys who prosecute the cases. The Assistant Public Defenders provide effective legal representation to the clients, as mandated by the Metro Charter, and contribute to the efficient operation of the court system.



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## Law Enforcement Block Grant

When a child runs afoul of the law, effective legal representation is often the key to turning that child's life around. Using funding provided by a Law Enforcement Block Grant, the Public Defender's Office seeks to assure that the representation of indigent juveniles includes the services of a social worker trained to identify and address the many social and psychological issues that cause children to violate the law.

The social worker assists the legal defense team as they represent children charged with delinquent offenses, who are at risk of transfer to criminal court or who are at risk of loss of liberty. By providing crisis intervention, completing assessments, referring for services, providing case management, and developing disposition alternatives, the social worker allows the attorney to provide comprehensive representation in a timely manner. Most of the juveniles are charged with multiple offenses and/or violent offenses.

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## Internship Programs

The Metro Public Defender's Office is fortunate to have access to clerks and volunteers from local schools. Our volunteers range from high school students to law students to nursing students. Because of Nashville's unique position as a center of higher learning we have been able to retain excellent law clerks. During the school year we have law clerks - both paid and unpaid. In the summer months, we are fortunate to have law clerks from law schools around the country. These clerks do meaningful work and assist us in managing our growing caseload. The clerks also serve as an excellent source of potential future employees.

Our need to adequately investigate cases, to explore alternative resolutions and to assist those in need of social services has led us to rely on volunteers from local colleges and graduate schools. Vanderbilt, Belmont, Middle Tennessee University, Tennessee State University, and Southeastern Paralegal Institute provide interns that investigate cases and help maintain regular contact with clients in jail. The graduate program in social work at the University of Tennessee has been an excellent source of interns to help address mental health problems or other needs of our clients.

Harpeth Hall regularly provides us with outstanding interns during their Winterim.

The Metro Public Defender's Office is very thankful for the help of volunteers. We hope to build on this volunteer base and to re-pay our volunteers by providing them with an educational and meaningful experience.

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## Guardian Ad Litem Program

The Juvenile Court hears a wide variety of cases. The community is probably most familiar with delinquent offenses. However, the majority of children appear in Juvenile Court due to allegations of neglect and dependency, truancy from school, unruliness, or as the subjects of a custody dispute. These children need a legally trained advocate to stand up for their interests in these pivotal court proceedings. Such an advocate assures that the individual child's needs receive due consideration in court and also assures that any services needed by the child are provided in an appropriate manner.

Begun in 1998, the Guardian Ad Litem (GAL) Program provides such assistance in approximately 300 cases a year. Receiving appointments through the Juvenile Court, an attorney appointed as GAL for the child may actively pursue such issues as individual counseling, family counseling, necessary medication, and educational needs. In other instances, the GAL Program might conduct a home study of a prospective custodian's residence in order to make a custody recommendation or to determine whether the household requires home-based social services. When appropriate, the GAL will seek to terminate the parental rights of an abusive parent.

The needs of children are complex. It would be presumptuous to assume that an attorney alone can act in the best interest of the child client. Quite often these cases are truly social problems masquerading as legal ones. For example, a child's school performance might suffer because of a parent's substance abuse in the home. A parent might neither recognize the symptoms of Attention Deficit Disorder nor possess the appropriate parenting skills to address it.

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Accordingly, a unique aspect of the GAL Program is its staff. Currently the program is staffed by Rob Robinson, an Assistant Public Defender, and Jill Oldham, a full-time social worker/paralegal. The unit operates as a team. Ordinarily, Ms. Oldham will identify the needs of the child. She will then attempt to meet those needs outside the court system by, for example, setting up counseling for the child. Mr. Robinson represents the child in any court activity that is necessary to assure that the child is receiving the required services.

As a general rule, the more frequently you meet with a child, the better you will be able to identify and address their needs. This year several local graduate and undergraduate students participated in internships with the GAL Program. These volunteers greatly enhanced the ability of GAL Program to closely monitor each child. As the number of contacts per child increase, so should the effectiveness of the advocacy. The GAL Program looks forward to continued growth through this volunteer resource.

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## Representation of Spanish Speaking Clients

For many years, the Davidson County criminal justice system has been confronted with ever increasing demands on the system's ability to adequately address the unique issues presented by Spanish speaking persons who are charged and/or convicted of criminal offenses. The courts of Davidson County have made substantial efforts to meet these needs. For example, the Criminal Courts regularly use the services of a Spanish speaking interpreter employed by the Office of the State Trial Courts.

At the Public Defender's Office, Spanish speaking clients can complete a Spanish language indigency form to qualify for services and are then given a note in Spanish explaining how to obtain a free copy of their warrant. When the clients return to the office for an initial interview, they speak with a Spanish-speaking attorney, investigator or Vanderbilt intern.

The Metro Public Defender's Office routinely seeks to recruit and hire Spanish proficient attorneys to assist in the representation of Spanish speaking clients. The office currently has three attorneys who are fluent in Spanish and other attorneys who are capable of basic communication in Spanish.

The Public Defender's Office employs four Spanish speaking criminal investigators in an effort to help assure that Spanish speaking clients are effectively represented. The Office also publishes a Spanish translation of "Take This Book," a handbook for defendants and their families. Since many of the Hispanic clients' families are not well versed in American culture and laws, the Spanish speaking staff members are a liaison between the attorneys, the courts, and the families. They make referrals to social service agencies,

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particularly substance programs and help educate the Nashville community concerning the need to provide more domestic violence and alcohol and drug services to the Spanish-speaking population. Lastly, the Spanish speaking staff saves the state and local government money since they provide out of court translations for the Assistant Public Defenders in cases with Spanish speaking defendants or witnesses.

The Public Defender's Office receives frequent requests from probation officers, court officers, and judges for assistance by the Spanish-speaking attorneys and staff. It is apparent that the various agencies of the Davidson County criminal justice system are benefiting from the availability of attorneys and other staff who are able to not only represent Spanish speakers, but who can also assist the courts to understand the many cultural issues unique to Hispanic defendants.

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## Forensic Alternative Community Treatment (FACT)

The number of mentally ill individuals being arrested has risen dramatically in recent years. Deinstitutionalization and dwindling community resources have resulted in more people being brought to jail when previously they were otherwise cared for by a mental health provider.

Many of the mentally ill offenders simply require closer supervision, rather than incarceration. However, TennCare will only pay for one case management visit per month, which is not enough to keep someone from reoffending. As a result, in 2000 the Metro Public Defender's office applied for and received a four-year grant from the Edward Byrne Memorial Fund to provide resources for aggressive case management services for defendants who have been charged with a misdemeanor or "soft felony" and have developed a lengthy history of criminal behavior. The FACT case managers work with defendants in all the courts with criminal jurisdiction in Davidson County, including the General Sessions Mental Health Court.

Case managers in the mental health community historically carry caseloads of 30 mentally ill individuals. The FACT grant required that the caseload not exceed 18 per social worker since each person is visited once a week. A collaboration was formed with the Mental Health Cooperative, an agency in Davidson County that provides regular case management to its members, to administer the program. (The Mental Health Cooperative provided the 25% match required by Byrne.) FACT employed one supervisor and two social workers. Among the duties of a FACT case manager: make house visits,

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provide transportation to the Mental Health Cooperative psychiatrist for medication, assist with housing and clothing, TennCare and Social Security disability payments, and provide the mechanism for hospitalization if decompensation occurs. Due to the intensive management, these clients are less likely to reoffend, protecting both the client and the community.

The FACT grant expired in June 2004. Since the program was so successful, the Mental Health Co-Operative assumed full responsibility for FACT. The courts of Davidson County will, therefore, continue to have assistance in addressing the unique issues that arise when mentally ill persons are arrested and charged with criminal conduct.



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## Office Automation

During fiscal year 2004-2005, the Office of the Metropolitan Public Defender has continued to incorporate current automation technology, in order to provide better, more efficient service to the community. It is necessary and appropriate to recognize that this continuing effort has only been possible due to the valuable assistance provided by the Justice Information System staff, as well as the support of the Mayor and the Metropolitan Council.

In 1992, the Public Defender had no computers and all of the Office's work and record keeping was done manually. Now, each attorney, investigator and member of the support staff has a computer on his or her desk. All of these computers are networked through the JIS local area network. This incorporation of automation technology has allowed the office to "do more with less." The Public Defender employs computer technology in the following areas:

A. Computers allow attorneys and investigators to perform most of their own document production, which frees the support staff to spend more time performing the administrative tasks which constitute an increasingly large part of the business of a government law office. This reallocation of effort has been the largest factor contributing to the improvement in attorney/secretary ratio. Further, since legal documents can now be electronically stored and shared, attorneys are able to collaborate more effectively in the representation of clients.

B. During fiscal year 2002-2003, the Public Defender was able to continue to take advantage of on-line case management technology. The roll-out of the CJIS Public Defender Application module during FY 2000-2001

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allowed us to begin the process of integrating a paperless electronic case and record management process into our business practices. Access to the Info-Connect emulation of the Metropolitan Police Department's MAJIC system as well as the CJIS and JMS applications continues to allow the Public Defender to efficiently obtain current information regarding the procedural and custodial status of every client represented by the Office.

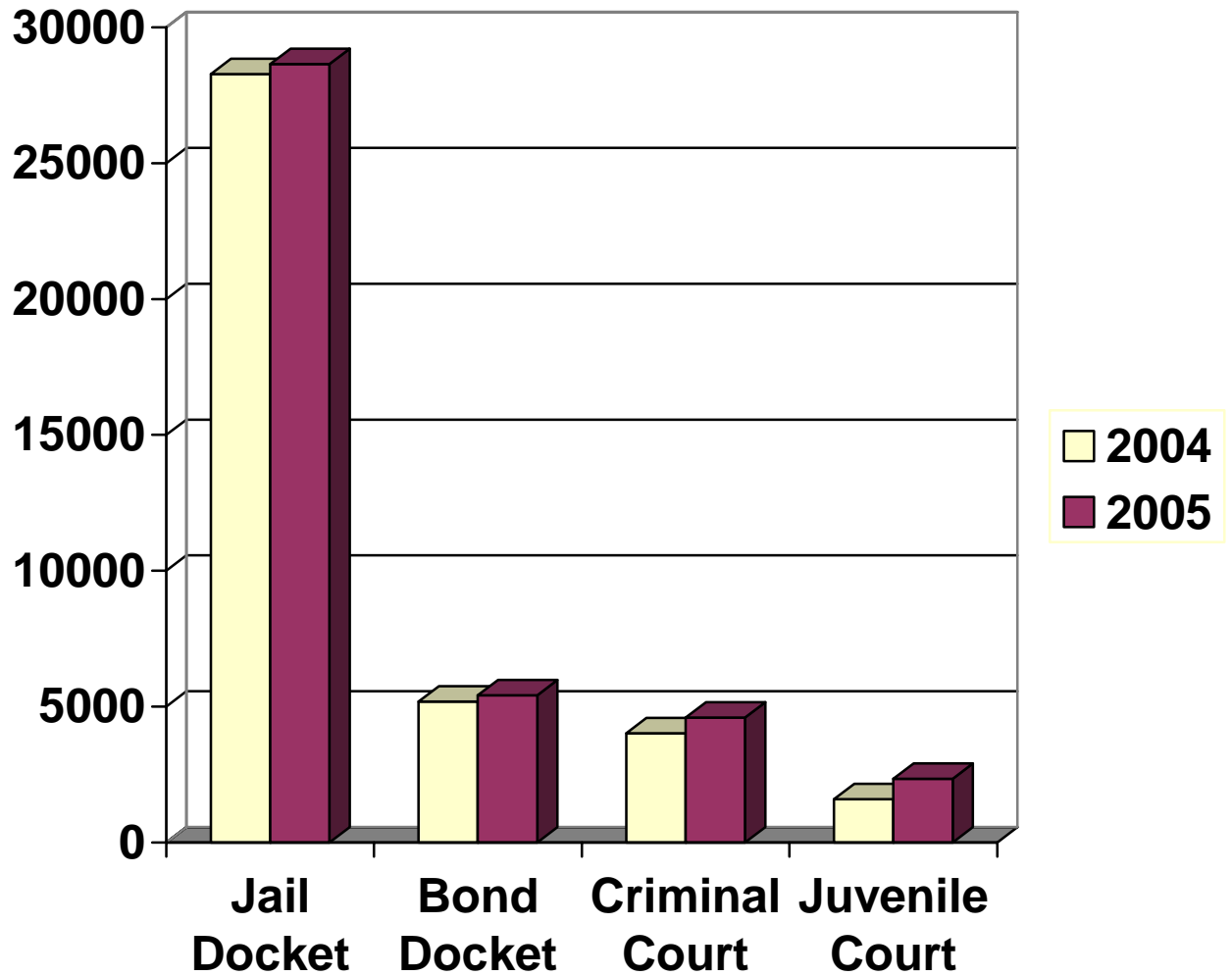
C. In fiscal year 2000-2001, the Public Defender's Office was able to obtain Internet access to the WestLaw legal research and data applications. This access is pursuant to a contract between the Metropolitan Government and WestLaw. The Internet access allows each Public Defender attorney to do legal research on-line at his or her desk. In addition to the WestLaw access, the Public Defender's Office continues to take advantage of Internet access to allow attorneys, investigators and other support staff to conduct case related research to assist in preparation to represent clients of the office. The efficiency and convenience of these research technologies has allowed the office to continue to improve the level and quality of service provided to clients.

## Annual Caseload

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<u>Fiscal Year</u>	<u>Jail Docket</u>	<u>Bond Docket</u>	<u>Criminal Court</u>	<u>Juvenile Court</u>
2004	28,278	5,186	4,015	1,595
2005	28,651	5,416	4,601	2,349



Metro Public Defender Office Funding  
FY2004-2005

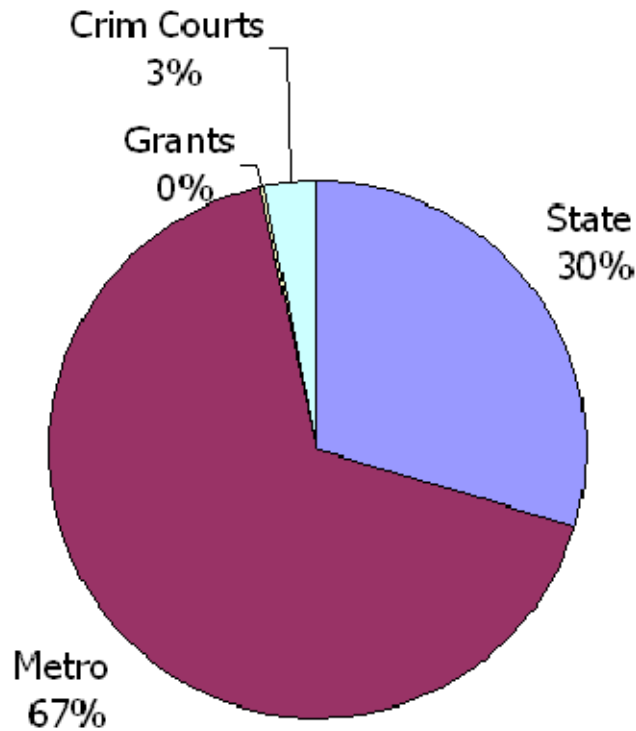
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State	Metro	Grants	Crim Courts	Total
\$ 1,482,000	\$ 3,352,000	\$ 14,238	\$ 151,700	\$ 4,999,938

### Funding Sources



State:	State stipend from Public Defender Conference
Grants:	One Federal through State grant. Metro pays 10% match.
Metro:	Metro's cost to operate the Metropolitan Public Defender's Office
Criminal Court:	Criminal Court Clerk's Office collects \$12.50 from all persons convicted of Crimes in Davidson